

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT ELECTRONIC APPLICATION OF)	
KENTUCKY UTILITIES COMPANY, NOLIN)	
RURAL ELECTRIC COOPERATIVE)	
CORPORATION, AND EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR)	
APPROVAL OF AN AGREEMENT)	CASE NO. 2021-00462
MODIFYING EXISTING TERRITORIAL)	
BOUNDARY QUADRANT MAPS AND)	
ESTABLISHING THE RETAIL ELECTRIC)	
SUPPLIER FOR GLENDALE MEGASITE IN)	
HARDIN COUNTY, KENTUCKY)	

PETITION FOR CONFIDENTIAL PROTECTION

Kentucky Utilities Company (“KU” or “Company”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 13 and KRS 61.878(1) to grant confidential protection for certain portions of its responses to Question Nos. 1 and 2 to Commission Staff’s First Request for Information. In support of its Petition, KU respectfully states:

Confidential or Proprietary Commercial Information (KRS 61.878(1)(c)(1))

1. The Kentucky Open Records Act exempts from disclosure information “generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”¹

2. Question No. 1 of Commission Staff’s First Request for Information requests the “projected costs for KU extending service to the Glendale MegaSite.” In response, KU is providing a cost estimate for extending service and removing and relocating EKPC’s facilities.

¹ KRS 61.878(1)(c)(1).

Question No. 2 requests “all documents, studies, and workpapers supporting the projected costs for KU extending service to the Glendale MegaSite.” In response, KU is providing five attachments that were used to develop the projected costs for extending service.

3. The redacted information provided in response to Question Nos. 1 and 2 is confidential and proprietary and should be protected from public disclosure. The estimates for extending service were calculated using preliminary design criteria provided by the customer and would disadvantage KU and the customer if disclosed. Although the estimates are preliminary, they include important details of KU’s understanding of the project. Disclosure could harm KU by disclosing the amount it expects to pay to extend service and the customer by disclosing confidential information about the customer’s needs.

4. Further, disclosure would harm the Joint Applicants in future economic development efforts by disclosing to third parties information as to costs and engineering assumptions. Disclosing the information at issue could place each of the Joint Applicants at a competitive disadvantage in their efforts to expand their customer base and more efficiently use their existing capacity. These harms may ultimately harm customers of the Joint Applicants if customer rates increase due to the disclosure of this sensitive information. Accordingly, KU seeks confidential protection for the redacted portions of its responses to Question Nos. 1 and 2.

Information Subject to this Petition

5. The information for which KU is seeking confidential treatment is not known outside of the Joint Applicants and their counsel. It is not disseminated within KU’s organization except to those employees and representatives with a legitimate business need to know and act upon the information.

6. KU will disclose the confidential information as required by the Commission or as required by law, a court of competent jurisdiction, or any other governmental or administrative agency having supervisory authority over the Joint Petitioners.

7. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter.²

8. In compliance with 807 KAR 5:001, Section 8(3) and 13(2)(e) and the Commission's Order of July 22, 2021 in Case No. 2020-00085, KU is filing with the Commission one copy of the responses that identifies by highlighting the information for which confidential protection is sought and one copy with the same information obscured.

9. Because of the importance of the information at issue, KU requests that confidential protection be granted for an indefinite period.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information described herein.

Dated: January 12, 2022

Respectfully submitted,



Kendrick R. Riggs
Stoll Keenon Ogden PLLC
500 West Jefferson Street, Suite 2000
Louisville, Kentucky 40202-2828
Telephone: (502) 333-6000
Fax: (502) 627-8722
kendrick.riggs@skofirm.com


² *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, 642 S.W.2d 591, 592-94 (Ky. App. 1982).

Allyson K. Sturgeon
Vice President and Deputy General Counsel
PPL Services Corporation
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088
Fax: (502) 627-3367
asturgeon@pplweb.com

Counsel for Kentucky Utilities Company

CERTIFICATE OF COMPLIANCE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on January 12, 2022; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



Counsel for Kentucky Utilities Company